

**53B-8-101. Waiver of tuition.**

(1) (a) The president of each institution may waive all or part of the tuition in behalf of meritorious or impecunious resident students to an amount not exceeding 10% of the total amount of tuition which, in the absence of the waivers, would have been collected from all Utah resident students at the institution.

(b) Two and a half percent of the waivers designated in Subsection (1)(a) shall be set aside for members of the Utah National Guard. Waivers shall be preserved by the student at least 60 days before the beginning of an academic term.

(2) (a) A president of an institution of higher education listed in Subsections 53B-2-101(1)(a) through (h) may waive all or part of the nonresident portion of tuition for a meritorious nonresident undergraduate student.

(b) In determining which students are meritorious for purposes of granting a tuition waiver under Subsection (2)(a), a president shall consider students who are performing above the average at the institution, including having an admissions index higher than the average for the institution, if an admissions index is used.

(c) A president may continue to waive the nonresident portion of tuition for a student described in Subsection (2)(a) for as long as the student is enrolled at the institution.

(d) In addition to waiving the nonresident portion of tuition for a meritorious nonresident student under Subsection (2)(a), a president may waive the resident portion of tuition after the meritorious nonresident student completes a year of full-time study at the institution.

(3) Upon recommendation of the board, a president shall grant additional full or partial tuition waivers to encourage students to enroll for instruction in occupations critical to the state for which trained personnel are in short supply.

(4) A president may waive all or part of the difference between resident and nonresident tuition in the case of:

(a) meritorious graduate students; or

(b) nonresident summer school students.

(5) The board shall submit annual budget appropriation requests for each institution, which include requests for funds sufficient in amount to equal the estimated loss of dedicated credits that would be realized if all of the tuition waivers authorized by Subsection (2) were granted.

Amended by Chapter 10, 2013 General Session  
Amended by Chapter 23, 2013 General Session  
Amended by Chapter 465, 2013 General Session

**53B-8-102. Definition of resident student -- Exceptions.**

(1) As used in this section, "parent" means a student's biological or adoptive parent.

(2) The meaning of "resident student" is determined by reference to the general law on the subject of domicile, except as provided in this section.

(3) (a) Institutions within the state system of higher education may grant resident student status to any student who has come to Utah and established residency for the purpose of attending an institution of higher education, and who, prior to registration as

a resident student:

- (i) has maintained continuous Utah residency status for one full year;
  - (ii) has signed a written declaration that the student has relinquished residency in any other state; and
  - (iii) has submitted objective evidence that the student has taken overt steps to establish permanent residency in Utah and that the student does not maintain a residence elsewhere.
- (b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:
- (i) a Utah high school transcript issued in the past year confirming attendance at a Utah high school in the past 12 months;
  - (ii) a Utah voter registration dated a reasonable period prior to application;
  - (iii) a Utah driver license or identification card with an original date of issue or a renewal date several months prior to application;
  - (iv) a Utah vehicle registration dated a reasonable period prior to application;
  - (v) evidence of employment in Utah for a reasonable period prior to application;
  - (vi) proof of payment of Utah resident income taxes for the previous year;
  - (vii) a rental agreement showing the student's name and Utah address for at least 12 months prior to application; and
  - (viii) utility bills showing the student's name and Utah address for at least 12 months prior to application.
- (c) A student who is claimed as a dependent on the tax returns of a person who is not a resident of Utah is not eligible to apply for resident student status.
- (4) Except as provided in Subsection (8), an institution within the state system of higher education may establish stricter criteria for determining resident student status.
- (5) If an institution does not have a minimum credit-hour requirement, that institution shall honor the decision of another institution within the state system of higher education to grant a student resident student status, unless:
- (a) the student obtained resident student status under false pretenses; or
  - (b) the facts existing at the time of the granting of resident student status have changed.
- (6) Within the limits established in Title 53B, Chapter 8, Tuition Waiver and Scholarships, each institution within the state system of higher education may, regardless of its policy on obtaining resident student status, waive nonresident tuition either in whole or in part, but not other fees.
- (7) In addition to the waivers of nonresident tuition under Subsection (6), each institution may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to the maximum number allowed by the appropriate athletic conference as recommended by the president of each institution.
- (8) Notwithstanding Subsection (3):
- (a) Personnel of the United States Armed Forces assigned to active duty in Utah or members of a reserve component of the United States Armed Forces assigned to Utah, and the immediate members of their families residing with them in this state are entitled to resident student status for tuition purposes.
  - (b) Military personnel who had Utah residency immediately prior to their active duty status or reserve assignment and who reestablish residency in Utah upon the termination of active duty status or reserve assignment are entitled to resident student

status for themselves and the immediate members of their families residing with them for tuition purposes.

(c) An institution within the state system of higher education shall grant resident student status for tuition purposes to a child of a United States military person assigned to active duty if the child produces:

(i) one of the following:

(A) the military parent's United States active duty military identification card;

(B) the child's United States active duty military identification and privilege card;

or

(C) a statement from the military parent's current company commander stating that the military parent is on active duty; and

(ii) the military parent's state of legal residence certificate with Utah listed as the military parent's home of record.

(d) An institution within the state system of higher education shall grant resident student status for tuition purposes to a military veteran and the military veteran's immediate family members who reside in the state if the military veteran provides:

(i) evidence of a discharge from the United States Armed Forces, other than a dishonorable discharge, that occurred in the previous 12 months;

(ii) a signed written declaration that the military veteran has relinquished residency in any other state and does not maintain a residence elsewhere; and

(iii) objective evidence that the military veteran has taken overt steps to relinquish residency in any other state and establish residency in Utah, which may include evidence of the following:

(A) a Utah voter registration card;

(B) a Utah driver license or identification card;

(C) a Utah vehicle registration;

(D) evidence of employment in Utah;

(E) a rental agreement showing name and Utah address; and

(F) utility bills showing name and Utah address.

(9) (a) Aliens who are present in the United States on visitor, student, or other visas which authorize only temporary presence in this country, do not have the capacity to intend to reside in Utah for an indefinite period and therefore are classified as nonresidents.

(b) Aliens who have been granted immigrant or permanent resident status in the United States are classified for purposes of resident student status according to the same criteria applicable to citizens.

(10) Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or trust lands lie partly or wholly within Utah or whose border is at any point contiguous with the border of Utah, and any American Indian who is a member of a federally recognized or known Utah tribe and who has graduated from a high school in Utah, is entitled to resident student status.

(11) A Job Corps student is entitled to resident student status if the student:

(a) is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate; and

(b) submits verification that the student is a current Job Corps student.

(12) (a) A member of the Utah National Guard is entitled to resident student

status if the student:

(i) is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate; and

(ii) submits verification that the student is a member of the Utah National Guard.

(b) A member of the Utah National Guard who performs active duty service shall be considered to maintain continuous Utah residency under this section.

(13) A person is entitled to resident student status and may immediately apply for resident student status if the person:

(a) marries a Utah resident eligible to be a resident student under this section; and

(b) establishes his or her domicile in Utah as demonstrated by objective evidence as provided in Subsection (3).

(14) Notwithstanding Subsection (3)(c), a dependent student who has at least one parent who has been domiciled in Utah for at least 12 months prior to the student's application is entitled to resident student status.

(15) (a) A person who has established domicile in Utah for full-time permanent employment may rebut the presumption of a nonresident classification by providing substantial evidence that the reason for the individual's move to Utah was, in good faith, based on an employer requested transfer to Utah, recruitment by a Utah employer, or a comparable work-related move for full-time permanent employment in Utah.

(b) All relevant evidence concerning the motivation for the move shall be considered, including:

(i) the person's employment and educational history;

(ii) the dates when Utah employment was first considered, offered, and accepted;

(iii) when the person moved to Utah;

(iv) the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;

(v) whether the person applied for admission to an institution of higher education sooner than four months from the date of moving to Utah;

(vi) evidence that the person is an independent person who is:

(A) at least 24 years of age; or

(B) not claimed as a dependent on someone else's tax returns; and

(vii) any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an institution of higher education.

(16) (a) A person who is in residence in Utah to participate in a United States Olympic athlete training program, at a facility in Utah, approved by the governing body for the athlete's Olympic sport, shall be entitled to resident status for tuition purposes.

(b) Upon the termination of the athlete's participation in the training program, the athlete shall be subject to the same residency standards applicable to other persons under this section.

(c) Time spent domiciled in Utah during the Olympic athlete training program in Utah counts for Utah residency for tuition purposes upon termination of the athlete's participation in a Utah Olympic athlete training program.

(17) (a) A person who has established domicile in Utah for reasons related to

divorce, the death of a spouse, or long-term health care responsibilities for an immediate family member, including the person's spouse, parent, sibling, or child, may rebut the presumption of a nonresident classification by providing substantial evidence that the reason for the individual's move to Utah was, in good faith, based on the long-term health care responsibilities.

(b) All relevant evidence concerning the motivation for the move shall be considered, including:

- (i) the person's employment and educational history;
- (ii) the dates when the long-term health care responsibilities in Utah were first considered, offered, and accepted;
- (iii) when the person moved to Utah;
- (iv) the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;
- (v) whether the person applied for admission to an institution of higher education sooner than four months from the date of moving to Utah;
- (vi) evidence that the person is an independent person who is:
  - (A) at least 24 years of age; or
  - (B) not claimed as a dependent on someone else's tax returns; and
- (vii) any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an institution of higher education.

(18) The board, after consultation with the institutions, shall make rules not inconsistent with this section:

- (a) concerning the definition of resident and nonresident students;
- (b) establishing procedures for classifying and reclassifying students;
- (c) establishing criteria for determining and judging claims of residency or domicile;
- (d) establishing appeals procedures; and
- (e) other matters related to this section.

(19) A student shall be exempt from paying the nonresident portion of total tuition if the student:

- (a) is a foreign national legally admitted to the United States;
- (b) attended high school in this state for three or more years; and
- (c) graduated from a high school in this state or received the equivalent of a high school diploma in this state.

Amended by Chapter 275, 2012 General Session

**53B-8-103. Waiver of nonresident differential in tuition rates -- Dixie State University good neighbor tuition waivers.**

(1) Notwithstanding any other provision of law:

(a) (i) The board may determine when to grant a full or partial waiver of the nonresident differential in tuition rates charged to undergraduate students pursuant to reciprocal agreements with other states.

(ii) In making the determination described under Subsection (1)(a)(i), the board shall consider the potential of the waiver to:

- (A) enhance educational opportunities for Utah residents;
- (B) promote mutually beneficial cooperation and development of Utah communities and nearby communities in neighboring states;
- (C) contribute to the quality of educational programs; and
- (D) assist in maintaining the cost effectiveness of auxiliary operations in Utah institutions of higher education.

(b) (i) Consistent with its determinations made pursuant to Subsection (1)(a), the board may enter into agreements with other states to provide for a full or partial reciprocal waiver of the nonresident tuition differential charged to undergraduate students.

(ii) An agreement shall provide for the numbers and identifying criteria of undergraduate students, and shall specify the institutions of higher education that will be affected by the agreement.

(c) The board shall establish policy guidelines for the administration by the affected Utah institutions of any tuition waivers authorized under this section, for evaluating applicants for such waivers, and for reporting the results of the reciprocal waiver programs authorized by this section.

(d) A report and financial analysis of any waivers of tuition authorized under this section shall be submitted annually to the general session of the Legislature as part of the budget recommendations of the board for the system of higher education.

(2) (a) Dixie State University may offer a good neighbor full waiver of the nonresident differential in tuition rates charged to undergraduate students:

(i) pursuant to reciprocal agreements with other states; or

(ii) to a resident of a county that has a portion of the county located within 70 miles of the main campus of Dixie State University.

(b) (i) A student who attends Dixie State University under a good neighbor tuition waiver shall pay a surcharge per credit hour in addition to the regular resident tuition and fees of Dixie State University.

(ii) The surcharge per credit hour shall be based on a percentage of the approved resident tuition per credit hour each academic year.

(iii) The percentage assessed as a surcharge per credit hour shall be set by the State Board of Regents.

(c) Dixie State University may restrict the number of good neighbor tuition waivers awarded.

(d) A student who attends Dixie State University on a good neighbor tuition waiver may not count the time during which the waiver is received towards establishing resident student status in Utah.

Amended by Chapter 10, 2013 General Session

Amended by Chapter 23, 2013 General Session

#### **53B-8-103.5. Alumni legacy nonresident scholarships.**

(1) In addition to other nonresident tuition scholarships, the president of an institution may also waive an amount up to the full nonresident portion of tuition for alumni legacy nonresident scholarships.

(2) The purposes of alumni legacy nonresident scholarships are to:

- (a) assist in maintaining an adequate level of service and related cost-effectiveness of auxiliary operations in institutions of higher education;
  - (b) promote enrollment of nonresident students with high academic aptitudes;
  - and
  - (c) recognize the legacy of past graduates and promote a continued connection to their alma mater.
- (3) To qualify for an alumni legacy scholarship, a student shall:
- (a) enroll at an institution within the state system of higher education for the first time; and
  - (b) have at least one parent or grandparent who graduated with an associate's degree or higher from the same institution in which the student is enrolling.
- (4) A student who attends an institution within the state system of higher education on an alumni legacy nonresident scholarship may not count the time during which the scholarship is received towards establishing resident student status in Utah.

Amended by Chapter 23, 2013 General Session

**53B-8-104. Nonresident partial tuition scholarships.**

- (1) The board may grant a scholarship for partial waiver of the nonresident portion of total tuition charged by public institutions of higher education to nonresident undergraduate students, subject to the limitations provided in this section, if the board determines that the scholarship will:
- (a) promote mutually beneficial cooperation between Utah communities and nearby communities in states adjacent to Utah;
  - (b) contribute to the quality and desirable cultural diversity of educational programs in Utah institutions;
  - (c) assist in maintaining an adequate level of service and related cost-effectiveness of auxiliary operations in Utah institutions of higher education; and
  - (d) promote enrollment of nonresident students with high academic aptitudes.
- (2) The board shall establish policy guidelines for the administration by institutions of higher education of any partial tuition scholarships authorized under this section, for evaluating applicants for those scholarships, and for reporting the results of the scholarship program authorized by this section.
- (3) The policy guidelines promulgated by the board under Subsection (2) shall include the following provisions:
- (a) the amount of the approved scholarship may not be more than 1/2 of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;
  - (b) a nonresident partial tuition scholarship may be awarded initially only to a nonresident undergraduate student who has not previously been enrolled in a college or university in Utah and who has enrolled full time for 10 or more credit hours, whose legal domicile is within approximately 100 highway miles of the Utah system of higher education institution at which the recipient wishes to enroll or such distance that the regents may establish for any institution;
  - (c) the total number of nonresident partial tuition scholarships granted may not exceed a total of 600 such scholarships in effect at any one time; and

(d) the board shall determine eligibility for nonresident partial tuition scholarships on the basis of program availability at an institution and on a competitive basis, using quantifiable measurements such as grade point averages and results of test scores.

(4) The board shall submit an annual report and financial analysis of the effects of offering nonresident partial tuition scholarships authorized under this section to the Legislature as part of its budget recommendations for the system of higher education.

Amended by Chapter 363, 2009 General Session

**53B-8-104.5. Nonresident tuition scholarships.**

(1) In addition to the scholarships authorized under Section 53B-8-104, the board may grant scholarships for a waiver of the nonresident portion of total tuition charged by public institutions of higher education to nonresident students, subject to the limitations provided in this section, if the board determines that the scholarships will:

(a) assist in maintaining an adequate level of service and related cost-effectiveness of auxiliary operations in Utah institutions of higher education;

(b) promote enrollment of nonresident students with high academic aptitudes;

and

(c) provide for an effective transition to meet the requirements of Section 53B-8-102.

(2) The board shall establish policy guidelines for the administration by institutions of higher education of scholarships authorized under Subsection (1), for evaluating applicants for those scholarships, and for reporting the results of the scholarship program authorized under Subsection (1).

(3) The policy guidelines promulgated by the board under Subsection (2) shall include the following provisions:

(a) a maximum of 675 of the approved scholarships may be up to 100% of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;

(b) 225 of the approved scholarships may not be at a level of more than 50% of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;

(c) a nonresident scholarship may be awarded initially only to a nonresident student who has not previously been enrolled in a college or university in Utah and who has enrolled full time for 10 or more credit hours;

(d) the total number of nonresident scholarships granted under Subsection (1) may not exceed a total of 900 such scholarships in effect at any one time;

(e) the board shall determine eligibility for nonresident scholarships on the basis of program availability at an institution and appropriate academic credentials, using quantifiable measurements such as grade point averages and results of test scores;

and

(f) a nonresident student who receives a scholarship of greater than 50% of the differential tuition charged to nonresident students for an equal number of credit hours of instruction may not be counted against the funded target for the institution attended.

(4) The board shall submit an annual report and financial analysis of the effects of offering nonresident tuition scholarships authorized under this section to the

Legislature as part of its budget recommendations for the system of higher education.

(5) This section applies to tuition scholarships and not the individual admission standards of higher education.

Amended by Chapter 272, 2006 General Session

**53B-8-105. New Century scholarships -- High school requirements.**

(1) As used in this section, "complete the requirements for an associate degree" means that a student:

(a) (i) completes all the required courses for an associate degree from a higher education institution within the state system of higher education that offers associate degrees; and

(ii) applies for the associate degree from the institution; or

(b) completes equivalent requirements described in Subsection (1)(a)(i) from a higher education institution within the state system of higher education that offers baccalaureate degrees but does not offer associate degrees.

(2) (a) The board shall award New Century scholarships.

(b) The board shall develop and approve the math and science curriculum described under Subsection (3)(a)(ii).

(3) (a) In order to qualify for a New Century scholarship, a student in Utah schools shall complete the requirements for an:

(i) associate degree; or

(ii) approved math and science curriculum.

(b) The requirements under Subsection (3)(a) shall be completed:

(i) (A) for a student whose class graduates from high school in 2010 or before, by September 1 of the year the student's class graduates from high school; or

(B) for a student whose class graduates from high school in 2011 or after, by the day on which the student's class graduates from high school; and

(ii) with at least a 3.0 grade point average.

(c) In addition to the requirements in Subsection (3)(a), a student in Utah schools whose class graduates from high school in 2011 or after shall:

(i) complete the high school graduation requirements of:

(A) a public high school established by the State Board of Education and the student's school district or charter school; or

(B) a private high school in the state that is accredited by a regional accrediting body approved by the board; and

(ii) complete high school with at least a 3.5 cumulative high school grade point average.

(4) Notwithstanding Subsection (3), for a student who does not receive a high school grade point average, the student shall:

(a) complete the requirements for an associate degree:

(i) (A) for a student who completes high school in 2010 or before, by September 1 of the year the student completes high school; or

(B) for a student who completes high school in 2011 or after, by June 15 of the year the student completes high school; and

(ii) with at least a 3.0 grade point average; and

- (b) score a composite ACT score of 26 or higher.
  - (5) To be eligible for the scholarship, a student:
    - (a) shall submit an application to the board with:
      - (i) an official college transcript showing college courses the student has completed to complete the requirements for an associate degree; and
      - (ii) (A) if applicable, an official high school transcript; or
      - (B) if applicable, a copy of the student's ACT scores;
    - (b) shall be a citizen of the United States or a noncitizen who is eligible to receive federal student aid;
    - (c) may not have a criminal record, with the exception of a misdemeanor traffic citation; and
    - (d) if applicable, shall meet the application deadlines as established by the board under Subsection (10).
  - (6) (a) The scholarship may be used at a:
    - (i) higher education institution within the state system of higher education that offers baccalaureate programs; or
    - (ii) private, nonprofit college or university in the state accredited by the Northwest Association of Schools and Colleges that offers baccalaureate programs.
  - (b) For a student whose class graduates from high school in 2010 and who completes the requirements under Subsection (3)(a) by September 1, 2010:
    - (i) if used at an institution described in Subsection (6)(a)(i), the value of the scholarship is up to 75% of the tuition costs at the selected institution; or
    - (ii) if used at an institution described in Subsection (6)(a)(ii), the value of the scholarship is up to 75% of the tuition costs at the institution, not to exceed 75% of the average tuition costs at the institutions referred in Subsection (6)(a)(i).
  - (c) (i) For a student whose class graduates in 2011 or after and who completes the requirements under this section, the total value of the scholarship is up to \$5,000, allocated over a time period described in Subsection (6)(d), as prescribed by the board.
  - (ii) The board may increase the scholarship amount described in Subsection (6)(c)(i) by an amount not to exceed the average percentage tuition increase approved by the board for institutions in the state system of higher education.
  - (d) The scholarship is valid for the shortest of the following time periods:
    - (i) two years of full-time equivalent enrollment;
    - (ii) 60 credit hours; or
    - (iii) until the student meets the requirements for a baccalaureate degree.
  - (e) (i) A scholarship holder shall enroll full-time at a higher education institution by no later than the fall term immediately following the student's high school graduation date or receive an approved deferral from the board.
  - (ii) The board may grant a deferral or leave of absence to a scholarship holder, but the student may only receive scholarship money within five years of the student's high school graduation date.
- (7) (a) The board may cancel a New Century scholarship at any time if the student fails to:
  - (i) register as a full-time student;
  - (ii) maintain at least a 3.0 grade point average for two consecutive semesters; or
  - (iii) make reasonable progress towards the completion of a baccalaureate

degree.

(b) Beginning July 1, 2013, the board may cancel a New Century scholarship at any time if the student fails to:

- (i) register for at least 15 credit hours per semester;
- (ii) maintain a 3.3 grade point average for two consecutive semesters; or
- (iii) make reasonable progress towards the completion of a baccalaureate

degree.

(8) (a) Subject to future budget constraints, the Legislature shall make an annual appropriation from the General Fund to the board for the costs associated with the New Century Scholarship Program authorized under this section.

(b) It is understood that the appropriation is offset in part by the state money that would otherwise be required and appropriated for these students if they were enrolled in a four-year postsecondary program at a state-operated institution.

(c) Notwithstanding Subsections (2)(a) and (6), if the appropriation under Subsection (8)(a) is insufficient to cover the costs associated with the New Century Scholarship Program, the board may reduce the scholarship amount.

(9) (a) The board shall adopt policies establishing an application process and an appeal process for a New Century scholarship.

(b) The board shall disclose on all applications and related materials that the amount of the scholarship is subject to funding and may be reduced, in accordance with Subsection (8)(c).

(c) The board shall require an applicant for a New Century scholarship to certify under penalty of perjury that:

- (i) the applicant is a United States citizen; or
- (ii) the applicant is a noncitizen who is eligible to receive federal student aid.

(d) The certification under this Subsection (9) shall include a statement advising the signer that providing false information subjects the signer to penalties for perjury.

(10) The board may set deadlines for receiving New Century scholarship applications and supporting documentation.

(11) A student may not receive both a New Century scholarship and a Regents' scholarship established in Section 53B-8-108.

Amended by Chapter 64, 2013 General Session

#### **53B-8-106. Resident tuition -- Requirements -- Rules.**

(1) If allowed under federal law, a student, other than a nonimmigrant alien within the meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States Code, shall be exempt from paying the nonresident portion of total tuition if the student:

- (a) attended high school in this state for three or more years;
- (b) graduated from a high school in this state or received the equivalent of a high school diploma in this state; and
- (c) registers as an entering student at an institution of higher education not earlier than the fall of the 2002-03 academic year.

(2) In addition to the requirements under Subsection (1), a student without lawful immigration status shall file an affidavit with the institution of higher education stating

that the student has filed an application to legalize his immigration status, or will file an application as soon as he is eligible to do so.

(3) The State Board of Regents shall make rules for the implementation of this section.

(4) Nothing in this section limits the ability of institutions of higher education to assess nonresident tuition on students who do not meet the requirements under this section.

Enacted by Chapter 230, 2002 General Session

**53B-8-107. Military member surviving dependents -- Tuition waiver.**

(1) As used in this section, "qualifying deceased military member" means a person:

(a) who:

(i) is killed while serving on state or federal active duty, under orders of competent authority and not as a result of the member's own misconduct; or  
(ii) dies of wounds or injuries received while serving on state or federal active duty, under orders of competent authority and not as a result of the member's own misconduct; and

(b) who:

(i) is a member of the armed forces of the United States and a Utah resident;  
(ii) is a member of the reserve component of the armed forces on or after September 11, 2001, and a Utah resident; or  
(iii) is a member of the Utah National Guard on or after September 11, 2001.

(2) This section shall be known as the Scott B. Lundell Military Survivors' tuition waiver.

(3) A state institution of higher education shall waive undergraduate tuition for a dependent of a qualifying deceased military member under the following conditions:

(a) the dependent has been accepted by the institution in accordance with the institution's admissions guidelines;

(b) except as provided in Subsection (4), the dependent is a resident student as determined under Section 53B-8-102;

(c) the dependent may not have already completed a course of studies leading to an undergraduate degree;

(d) the dependent may only utilize the waiver for courses that are applicable toward the degree or certificate requirements of the program in which the dependent is enrolled; and

(e) the dependent may not be excluded from the waiver if the dependent has previously taken courses at or has been awarded credit by a state institution of higher education.

(4) Notwithstanding Subsection (3)(b), a dependent of a qualifying deceased military member that was a member of the Utah National Guard is not required to be a resident student as determined under Section 53B-8-102.

(5) The tuition waiver in this section is applicable for undergraduate study only.

(6) The Department of Veterans' and Military Affairs, after consultation with the adjutant general if necessary, shall certify to the institution that the dependent is a

surviving dependent eligible for the tuition waiver in accordance with this section.

(7) The waiver in this section does not apply to fees, books, or housing expenses.

(8) The State Board of Regents may request reimbursement from the Legislature for costs incurred in providing the tuition waiver under this section.

Amended by Chapter 214, 2013 General Session

**53B-8-108. Regents' Scholarship Program -- General provisions -- Board policies.**

(1) The Regents' Scholarship Program is created to award merit scholarships to students who complete a rigorous core course of study in high school.

(2) (a) A student who is awarded the Base Regents' scholarship established in Section 53B-8-109 may also be awarded each of the supplemental awards established in Sections 53B-8-110 and 53B-8-111.

(b) A student may not receive both a Regents' scholarship and a New Century scholarship established in Section 53B-8-105.

(3) A Regents' scholarship may only be used at a:

(a) credit-granting higher education institution within the state system of higher education; or

(b) private, nonprofit college or university in the state that is accredited by the Northwest Association of Schools and Colleges.

(4) (a) A scholarship holder shall enroll full-time at a higher education institution described in Subsection (3) by no later than the fall term immediately following the student's high school graduation date or receive an approved deferral from the board.

(b) The board may grant a deferral or leave of absence to a scholarship holder, but the student may only receive scholarship money within five years of the student's high school graduation date.

(5) (a) The board shall annually report on the Regents' Scholarship Program at the beginning of each school year to the Education Interim Committee and the Higher Education Appropriations Subcommittee.

(b) The report shall include the number of students in each school district and public high school who meet the academic criteria for the Base Regents' scholarship and for the Exemplary Academic Achievement Scholarship.

(c) The State Board of Education, school districts, and public high schools shall cooperate with the board to facilitate the collection and distribution of Regents' Scholarship Program data.

(6) The State Board of Education shall annually provide the board a complete list of directory information, including student name and address, for all grade 8 students in the state.

(7) The board shall adopt policies establishing:

(a) the high school and college course requirements described in Subsection 53B-8-109(1)(d)(i);

(b) the additional weights assigned to grades earned in certain courses described in Subsections 53B-8-109(4) and 53B-8-111(7);

(c) the regional accrediting bodies that may accredit a private high school

described in Subsection 53B-8-109(1)(a)(ii);

(d) (i) the application process and an appeal process for a Regents' scholarship, including procedures to allow a student to apply for the scholarship on-line; and

(ii) a disclosure on all applications and related materials that the amount of the awards is subject to funding and may be reduced, in accordance with Subsection (8)(b); and

(e) how college credits correlate to high school units for purposes of Subsection 53B-8-109(1)(d)(i).

(8) (a) Subject to future budget constraints, the Legislature shall make an annual appropriation from the Education Fund to the board for the costs associated with the Regents' Scholarship Program authorized under this section and Sections 53B-8-109, 53B-8-110, and 53B-8-111.

(b) Notwithstanding the provisions of this section and Sections 53B-8-109, 53B-8-110, and 53B-8-111, if the appropriation under Subsection (8)(a) is insufficient to cover the costs associated with the Regents' Scholarship Program, the board may reduce the amount of the Base Regents' scholarships and supplemental awards.

(9) The board may set deadlines for receiving Regents' scholarship applications and supporting documentation.

Amended by Chapter 270, 2010 General Session

**53B-8-109. Regents' Scholarship Program -- Base Regents' scholarship -- Qualifications -- Application.**

(1) A student qualifies for a Base Regents' scholarship if the student:

(a) completes the high school graduation requirements of:

(i) a public school established by the State Board of Education and the student's school district or charter school; or

(ii) a private high school in the state that is accredited by a regional accrediting body approved by the board;

(b) completes high school with at least a 3.0 cumulative grade point average;

(c) has at least one reported ACT test score; and

(d) (i) completes the following high school or college credit in grades 9-12:

(A) four units of credit of English;

(B) four units of credit of mathematics;

(C) three and one-half units of credit of social science;

(D) three units of credit of lab-based natural science; and

(E) two units of credit of sequential world or classical language other than English; and

(ii) except as provided in Subsection (4), earns a course grade on a transcript of "C" or above in each individual course listed in Subsection (1)(d)(i).

(2) The board shall establish policies to determine specific courses that meet the requirements under Subsection (1)(d)(i).

(3) To be eligible for the scholarship, a student:

(a) shall submit an application to the board with:

(i) a copy of the student's official high school transcript and ACT scores; and

(ii) if applicable, a college transcript showing a college course the student has

completed to meet the requirements of Subsection (1)(d);

(b) shall be a citizen of the United States or a noncitizen who is eligible to receive federal student aid;

(c) may not have a criminal record, with the exception of a misdemeanor traffic citation; and

(d) if applicable, shall meet the application deadlines as established by the board under Subsection 53B-8-108(9).

(4) For purposes of determining if a student meets the grade requirements of Subsection (1)(d)(ii), the board shall assign additional weights to grades earned in courses described in Subsection (1)(d)(i) that are advanced placement, concurrent enrollment, or International Baccalaureate program courses.

(5) (a) The amount of the Base Regents' scholarship is \$1,000.

(b) The board may adjust the amount of the Base Regents' scholarship by up to a percentage of the average percentage tuition increase approved by the board for institutions in the system of higher education.

(6) (a) The board shall require an applicant for a Regents' scholarship to certify under penalty of perjury that:

(i) the applicant is a United States citizen; or

(ii) the applicant is a noncitizen who is eligible to receive federal student aid.

(b) The certification under this Subsection (6) shall include a statement advising the signer that providing false information subjects the signer to penalties for perjury.

Amended by Chapter 64, 2013 General Session

**53B-8-110. Regents' Scholarship Program -- Supplemental award to encourage college savings.**

(1) A student who qualifies for the Base Regents' Scholarship in accordance with the provisions of Section 53B-8-109 may be awarded up to an additional \$400 as provided in this section.

(2) A student who qualifies for the Base Regents' Scholarship shall be awarded \$100 for a year that:

(a) the student was 14, 15, 16, or 17 years of age; and

(b) at least \$100 in contributions, excluding transfers, investment earnings, and interest, was deposited in a Utah Educational Savings Plan account that designated the student as the beneficiary.

Amended by Chapter 6, 2010 General Session

**53B-8-111. Supplemental scholarship award -- Exemplary academic achievement -- Regents' diploma.**

(1) A student who qualifies for the Base Regents' scholarship in accordance with the provisions of Section 53B-8-109 shall qualify for an additional Exemplary Academic Achievement scholarship if the student:

(a) completes high school with a cumulative grade point average of 3.5 or higher;

(b) except as provided in Subsection (7), earns a course grade on a transcript of

"B" or above in each individual course listed in Subsection 53B-8-109(1)(d)(i); and

(c) (i) scores a composite ACT score of 26 or higher; and

(ii) if determined by the board's policies, achieves additional ACT college readiness benchmark scores in English, mathematics, reading, and science.

(2) For a student who graduates from high school in the 2009-10 school year:

(a) if used at a higher education institution described in Subsection 53B-8-108(3)(a), the value of an Exemplary Academic Achievement scholarship is up to 75% of the tuition costs at the selected institution; or

(b) if used at a higher education institution described in Subsection 53B-8-108(3)(b), the value of an Exemplary Academic Achievement scholarship is up to 75% of the tuition costs at the institution, not to exceed 75% of the average tuition costs at the institutions described in Subsection 53B-8-108(3)(a).

(3) (a) For a student who graduates from high school in or after the 2010-11 school year, the total value of an Exemplary Academic Achievement scholarship is up to \$5,000, allocated over a time period described in Subsection (4), as prescribed by the board.

(b) The board may adjust the amount of the Exemplary Academic Achievement scholarship by up to a percentage of the average percentage tuition increase approved by the board for institutions in the state system of higher education.

(4) An Exemplary Academic Achievement scholarship is valid for the shortest of the following time periods:

(a) two years of full-time equivalent enrollment;

(b) 65 credit hours; or

(c) until the student meets the requirements for a baccalaureate degree.

(5) (a) The board may cancel an Exemplary Academic Achievement scholarship at any time if the student fails to:

(i) register as a full-time student;

(ii) maintain a 3.0 grade point average for two consecutive semesters; or

(iii) make reasonable progress towards the completion of a baccalaureate degree.

(b) Beginning July 1, 2013, the board may cancel an Exemplary Academic Achievement scholarship at any time if the student fails to:

(i) register for at least 15 credit hours per semester;

(ii) maintain a 3.3 grade point average for two consecutive semesters; or

(iii) make reasonable progress towards the completion of a baccalaureate degree.

(6) A student who qualifies for the Exemplary Academic Achievement scholarship under this section may also receive a Regents' diploma endorsement to be issued by the board.

(7) For purposes of determining if a student meets the grade requirements of Subsection (1)(b), the board shall assign additional weights to grades earned in courses described in Subsection 53B-8-109(1)(d)(i) that are advanced placement, concurrent enrollment, or International Baccalaureate program courses.

Amended by Chapter 64, 2013 General Session